



PATENT
Customer No. 22,852
Attorney Docket No. 4853.0071-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Saburo SONE et al.) Group Art Unit: 1632
)
Serial No.: 09/864,364) Examiner: Li, Qian J.
)
Filed: May 25, 2001)
)
For: NON-HUMAN ANIMAL)
EXHIBITING BONE METASTASIS)
OF TUMOR CELLS)

Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Rebecca B. Scarr, do hereby declare and state as follows:

1. I am a patent agent at Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.
2. On December 19, 2002, I telephoned Cognizant Communication Corporation, the publisher of the journal *Oncology Research*. I spoke with Mr. Robert Miranda, Publisher. Mr. Miranda informed me that *Oncology Research*, volume 12, number 5, was published on June 14, 2001. Mr. Miranda further informed me that the articles published in that issue were not available online prior to that date.
3. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing there from.

By: 
Rebecca B. Scarr

3/20/03
Dated

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com